

Christopher J. Nye, OSB #953695
cnye@rmlaw.com

Reed McClure
1215 Fourth Avenue, Suite 1700
Seattle, WA 98161
Telephone: (206) 292-4900
Facsimile: (206) 223-0152

Attorneys for Defendants Geren Ratliff and Pride Transport, Inc.

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON - PORTLAND DIVISION**

RAMON DE JESUS PINEDA, an individual,
MIRIAN DIAZ PINEDA, an individual, TIM
NAY, in his capacity as Conservator for
FRANKLIN PINEDA, a protected person,
ANGELA PINEDA DE FIGUEROA, as
Guardian Ad Litem for ANDY PINEDA, a
minor

Plaintiffs,

vs.

GEREN RATLIFF, an individual, PRIDE
TRANSPORT, INC., a Utah corporation,
HOWARD PELS, an individual,
PROGRESSIVE LOGISTICS, INC. dba
GILTNER, INC., an Idaho corporation,

Defendants.

CASE NO.

NOTICE OF REMOVAL OF A CIVIL
ACTION

**To: The Clerk of the United States District Court for the District of Oregon
(Portland Division); Plaintiffs Ramon De Jesus Pineda, Mirian Diaz Pineda, Tim Nay, in
his capacity as Conservator for Franklin Pineda, and Angela Pineda De Figueroa, as
Guardian Ad Litem for Andy Pineda, and Defendants Howard Pels and Progressive**

1 **Logistics, Inc. dba Giltner, Inc.:**

2 **PLEASE TAKE NOTICE** that Defendants Geren Ratliff and Pride Transport, Inc.
 3 (collectively, “Defendants”) hereby give notice of their removal action entitled *Ramon de*
 4 *Jesus, an individual, Mirian Diaz Pineda, an individual, Tim Nay, in his capacity as*
 5 *Conservator for Franklin Pineda, a protected person, Angela Pineda de Figueroa, as*
 6 *Guardian Ad Litem for Andy Pineda, a minor vs. Geren Ratliff, an individual, Pride Transport,*
 7 *Inc., a Utah corporation, Howard Pels, an individual, Progressive Logistics, Inc. dba Giltner,*
 8 *Inc., an Idaho Corporation* from Multnomah County Circuit Court, Case No. 18CV34341,
 9 pursuant to U.S.C. §§ 1332, 1441, and 1446 on the grounds set forth below:

10 **TIMELINESS OF REMOVAL**

11 1. On August 7, 2018 the above identified action was filed and commenced in the
 12 Circuit Court of the State of Oregon for the County of Multnomah, CV No. 18CV34341. A
 13 copy of the Complaint is attached hereto as **Exhibit 1**.

14 2. Defendant Pride Transport, Inc. (“Pride Transport”) was personally served with
 15 the Summons and Complaint on August 21, 2018. A copy of the Summons served on Pride
 16 Transport showing service of the Summons and Complaint is attached as **Exhibit 2**. Counsel
 17 for Progressive Logistics, Inc. dba Giltner, Inc. (“Giltner”) confirmed that Giltner was served
 18 on August 21, 2018.

19 3. It is counsel for defendants Ratliff and Pride Transport’s understanding that at
 20 least as of August 31, 2018, defendant Pels had not been served with the complaint.

21 4. As of the date of this filing, the court’s docket shows plaintiffs have not yet
 22 filed affidavits of service showing service of the summons and complaints upon the defendants
 23 in this action. A copy of the court’s docket is attached hereto as **Exhibit 3**.

24 5. In compliance with 28 U.S.C. § 1446(a), the exhibits constitute all process,
 25 pleadings and orders received or filed by Plaintiffs in this action.

NOTICE OF REMOVAL OF A CIVIL ACTION – 2

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1 6. Defendants Pel and Giltner join in this removal and will file their Joinder in
2 Notice of Removal Action separately.

3 7. No defendant has filed any pleadings in the state court action. *See* Exhibit 3.

4 **DIVERSITY**

5 8. This court has original jurisdiction over this action pursuant to 28 U.S.C. §
6 1332(a) and removal is proper under 28 U.S.C. § 1441 because the matter in controversy
7 exceeds \$75,000.00, exclusive of interest and costs, and complete diversity exists between
8 Plaintiffs and Defendants.

9 9. Plaintiffs, at the time this action was commenced and since that time, are
10 believed to be Oregon residents.

11 10. At the time this action was commenced and since that time, Ratliff was and is
12 a resident of Nevada.

13 11. At the time this action was commenced and since that time, Pride Transport was
14 and is a Utah Corporation with its principal place of business in Salt Lake City, Utah.

15 12. As will be shown in defendants Pels' and Giltners' Joinder in notice of Removal
16 Action(s), and defendant Giltner's Corporate Disclosure, complete diversity exists between
17 Plaintiffs and Defendants.

18 13. Ratliff and Pride Transport shall promptly give notice of this filing to Plaintiffs,
19 through Plaintiffs' counsel of record, and to the Clerk of the Circuit Court of the State of
20 Oregon for the County of Multnomah, pursuant to 28 U.S.C. § 1446(d).

21 **VENUE**

22 14. Pursuant to Civ. LR 3-2(a)(1) and 28 U.S.C. § 1441(a), venue is proper in the
23 Portland Division of the District Court of the United States for the District of Oregon because
24 the underlying state court action is pending in Portland, Multnomah County, Oregon.

25 **WHEREFORE**, Defendants Geren Ratliff and Pride Transport, Inc. request that this

1 Notice of Removal be filed and that the action bearing Civil Case No. 18CV34341 in the
2 Circuit Court of the State of Oregon for the County of Multnomah be removed and proceed in
3 this Court.

4 DATED this 6th day of September, 2018.

5 REED McCLURE

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7 By 

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9 Christopher J. Nye, OSB #953695
10 Attorney for Defendants Geren Ratliff and
11 Pride Transport, Inc.
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